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JAMES D. MAHER
CLERK

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1915.

No. 413

FRANK W. MERRICK,
JOHN W. HAARER,
GRANT FELLOWS,
Appellants in Error,
vs.
N. W. HALSEY, ET AL.,
Defendants in Error.

MOTION TO ADVANCE

GRANT FELLOWS,
Attorney General,
Solicitor for Appellants in Error,
Business Address: Capitol, Lansing,
Michigan.

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1915.

No. 900

FRANK W. MERRICK,
JOHN W. HAARER,
GRANT FELLOWS,
Appellants in Error,
vs.
N. W. HALSEY, ET AL.,
Defendants in Error.

MOTION TO ADVANCE.

Now comes Grant Fellows, Attorney General of the State of Michigan, as Solicitor for Plaintiffs in Error, and moves the Court now here to advance the above entitled cause for hearing at a date such as may be fixed by this Honorable Court. This Motion is based upon the records and files in said cause and upon the affidavit of Grant Fellows.

Dated at Lansing, Michigan, April 25th, 1916.

GRANT FELLOWS,
Attorney General,
Solicitor for Appellants in Error.

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1915.

NO. 900.

FRANK W. MERRICK, JOHN W. HAARER, GRANT FELLOWS, *Appellants in Error,* vs. N. W. HALSEY, ET AL., *Defendants in Error.*	Affidavit.

State of Michigan
County of Ingham } ss.

Grant Fellows being duly sworn deposes and says that he is Attorney General of the State of Michigan and is the Solicitor for said Appellants in Error; that the above entitled cause is an appeal from an Order of the District Court of the United States for the Eastern District of Michigan, Southern Division, allowing an interrogatory injunction against the Appellants in Error to restrain the enforcement of Act No. 95 of the Public Acts of Michigan, Session of 1915, said Act being entitled:

> "An Act to prevent fraud in the sale and disposition of stocks, bonds or other securities sold or offered for sale within the State of Michigan by any dealer, firm, company, association or corporation, foreign or domestic, by requiring an inspection of such stocks,

bonds, or other securities and an inspection of the business of such persons, firms, companies, associations or corporations, including dealers and agents, and such regulation and supervision of the business of said persons, firms, companies, associations, or corporations, including dealers and agents, as may be necessary to prevent fraud in the sale within the State, of any stocks, bonds or other securities, and to provide a penalty for the violation thereof, and to repeal Act number one hundred forty-three of the Public Acts of nineteen hundred thirteen, approved May two, nineteen hundred thirteen, and all other Acts or parts of Acts inconsistent herewith."

The said Appellants being respectively the Banking Commissioner of the State of Michigan, the State Treasurer of the State of Michigan and the Attorney General of the State of Michigan and constituting the Michigan Securities Commission created by the terms of said Act number 46.

Deponent further says that said Act number 46 of the Public Acts of 1915 is similar in purport to Acts passed in twenty-two of the States of the Union, and that therefore the above entitled cause is a cause of general interest not only in the State of Michigan but elsewhere.

GRANT FELLOWS,
Attorney General.

Subscribed and sworn to before me,
this 25th day of April, A. D., 1916.

ALBERT H. GRAHAM,
Notary Public,
Ingham County, State of Michigan.
My Commission expires April 19, 1919.

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1915.

NO. 900.

FRANK W. MERRICK, JOHN W. HAARER, GRANT FELLOWS, *Appellants in Error,* vs. N. W. HALSEY, ET AL., *Defendants in Error.*	Notice.

To Beaumont, Smith & Harris,
Solicitors for Weis Fibre Container Corporation,
Business Address: Ford Bldg., Detroit, Michigan.

To Reed & McCook,
Solicitors for N. W. Halsey & Company; Continental & Commercial Trust & Savings Bank; Arthur B. Leach, Ferry W. Leach, and George G. Olmstead; Henry L. Higginson; James J. Storrow, George C. Lee, N. Penrose, Hallowell, Hugh G. Levick, Charles H. Schweppe, Francis L. Higginson, Jr., Frederick W. Allen, David Shaw and A. James Sheldon, and Powell Gerard & Company; Wilsey Fierlein & Company; Peabody Houghteling & Company; Yard, Otis & Taylor; Charles S. Kidder & Company; A. Brewer & Company; Howard Simmons & Company; William A. Reed & Company; Tillottson & Wolcott, E. H. Rollins & Sons; John Nuveen & Company; McCoy & Company; Devitt, Tremble & Company; William R. Compton Bond &

Mortgage Company; Chicago Savings Bank & Trust Company; and W. G. Souders & Company.

Business Address: 15 William Street, New York City.

You will please take notice that we have filed a Motion to advance in the above entitled cause, which Motion to advance is based upon the Affidavit of Grant Fellows, a copy of which you are herewith served.

You will further take notice that said Motion will be brought on for hearing at the Supreme Court room in the Capitol in the City of Washington on Monday, the 8th day of May, A. D., 1916.

Dated April 25th, 1916.

GRANT FELLOWS,
Attorney General,
Solicitor for Appellants.

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1915,

NO. 900.

FRANK W. MERRICK, JOHN W. HAARER, GRANT FELLOWS, *Appellants in Error*, vs. N. W. HALSEY, ET AL., *Defendants in Error*.	Proof of Service.

State of Michigan
County of Ingham } ss.

Horace E. Craig being duly sworn deposes and says that on the 25th day of April, A. D., 1916, he served upon Beaumont, Smith & Harris, Solicitors for Weis Fibre Container Corporation, and upon Reed & McCook, Solicitors for N. W. Halsey & Company, et al. Notice of Motion to advance, a copy of which is attached hereto, by enclosing the same in an envelope addressed to "Hal. H. Smith, Ford Bldg., Detroit, Michigan"; and "Reed & McCook, 15 William Street, New York City", and by depositing the same in the Post Office at City of Lansing, Michigan, postage thereon being fully prepaid.

HORACE E. CRAIG.

Subscribed and sworn to before me, this 25th day of April, A. D., 1916.

ALBERT H. GRAHAM,
Notary Public,
Ingham County, State of Michigan. My Commission expires April 19, 1919.

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1915.

NO. 900.

FRANK W. MERRICK,
JOHN W. HAARER,
GRANT FELLOWS,
Appellants in Error,
vs.
N. W. HALSEY, ET AL.,
Defendants in Error.

STATEMENT.

This case is an appeal under Section 266 of the Judicial Code from an Order of the District Court of the United States for the Eastern District of Michigan, Southern Division, (three Judges sitting) allowing an interrogatory injunction against the appellants who are respectively the Banking Commissioner, the State Treasurer and the Attorney General constituting the Michigan Securities Commission created by Act number 46 of the Public Acts of 1915, which Act is "An Act to prevent fraud in the sale of stocks, bonds or other securities sold or offered for sale within the State of Michigan, etc."

Twenty-two States of the Union have passed Acts of similar purport, some of them being substantially identical with the Michigan statute under consideration in the instant case

the only change being such as may be necessary in the creation of the Board or to meet local conditions. The case, therefore is of public interest as distinguished from local or State interests and we submit belongs to that character of cases which is entitled to advancement under the rules of this Court.

Respectfully submitted,

GRANT FELLOWS,

Attorney General,

Solicitor for Appellants.